

11.03.2024
SL.23, Ct.2
AJ.

**In the High Court at Calcutta
Circuit Bench at Jalpaiguri
Civil Revisional Jurisdiction**

C.O. 145 of 2023

**Sri Ramnath Prasad
-Vs-
Sri Sawarmal Agarwal & Ors.**

Mr. Nripen Das,
Mr. Debanjan Das.
...for the petitioner.

Ms. Madhushri Dutta,
Ms. Sristi Sarkar.
...for the opposite party no.1.

Ms. Sukanya Adhikari (V.C.).
...for the opposite party no.3.

The defendant no.1, in a suit for declaration of title and injunction being Title Suit No. 186 of 2019 pending before the 2nd Court of the learned Civil Judge (Junior Division), Jalpaiguri, is the applicant of the present application under Section 24 of the Code of Civil Procedure.

Affidavit-in-opposition filed on behalf of the plaintiff/opposite party no.1 and reply thereto filed on behalf of the petitioner, be kept with the record.

The petitioner, being aggrieved by the Order No.27 dated January 21, 2021 passed by the learned Trial Judge has preferred an appeal being Misc. Appeal No.10 of 2021 which is pending before the learned District Judge at Jalpaiguri.

The petitioner is praying withdrawal of the said appeal from the said Court and transfer of it to the Court of the learned District Judge, Kalimpong on the grounds of delay in disposal of it and his inconvenience to come to Jalpaiguri from his residence at Kalimpong.

These are no grounds, far less good grounds for withdrawal of a pending *lis* from one court and transfer of it to another court.

C.O. 145 of 2023 is disposed of by requesting the learned District Judge, Jalpaiguri to dispose of the pending Misc. Appeal No.10 of 2021 as expeditiously as possible, preferably within a period of three weeks from the date of communication of this order and in doing so, shall not grant any unnecessary adjournment to either of the parties.

There shall however be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)